

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FMT SOLUTIONS, INC., an Oregon)
Corporation,)
Plaintiff,)
v.) Case No. 4:12-cv-01882-JAR
FINANCIAL & TAX STRATEGIES, INC.,)
GARY GOLDBERG, MORRISON)
FINANCIAL, FORESIGHT EDUCATION,)
LLC, MIKE MORRISON,)
JOHN & JANE DOES 1-20,)
Defendants.)

CONSENT INJUNCTION

Plaintiff FMT Solutions, Inc. ("FMT") and defendants Financial & Tax Strategies, Inc., Gary Goldberg, Morrison Financial, Foresight Education, LLC and Mike Morrison (collectively "Morrison/Goldberg"), on behalf of themselves hereby stipulate to the entry of the following injunction and Order:

WHEREAS, for over ten years, Plaintiff has been a national seminar-marketing business that has helped financial planning professionals teach retirement planning and sell financial services and products.

WHEREAS, as part of its ongoing business, Plaintiff has developed proprietary copyrighted materials and owns numerous copyrighted works, including: (a) the "Retirement Planning Today" ("RPT") seminar workbook, originally published in 2003 and updated since then; and (b) a promotional brochure originally published in 2004 and updated since then (hereinafter collectively the "RPT Materials").

WHEREAS, three versions of the workbook and the brochure have been registered with the U.S. Copyright Office and have been awarded the following United States copyright registration numbers respectively:

- a. TX 7-534-326 (registered May 7, 2012);
- b. TX 7-540-922 (registered May 7, 2012);
- c. TX 7-534-335 (registered May 7, 2012); and
- d. TX 7-053-061 (registered January 27, 2010).

The foregoing registrations are hereinafter collectively referred to as the "RPT Registrations."

WHEREAS, Defendants Mike Morrison (a/k/a "C. Michael Morrison"), Morrison Financial and Foresight Education, LLC are engaged in the sale, publication and distribution of written and electronic materials to financial planning professionals. These Defendants as well as Defendants Gary Goldberg and Financial and Tax Strategies, Inc. are also in the business of providing financial planning services, products and advice.

WHEREAS, FMT commenced this action against Defendants for alleged copyright infringement under the laws of the United States as a result of Defendants copying and distribution of the RPT Materials having the RPT Registrations. In this action, FMT has accused Defendants of violating FMT's copyrights through Defendants' use, copy and distribution of the workbook and brochures respectively attached hereto as Exhibit A and Exhibit B.

WHEREAS, Plaintiff and Defendants have entered a settlement agreement with Effective Date of April 28, 2014 ("Settlement Agreement") and pursuant thereto have agreed to amicably resolve this dispute without admitting fault or liability based upon certain terms, one of which is the entry of this Consent Injunction without the entry of a bond;

NOW THEREFORE, upon consent of the parties hereto, it is hereby ORDERED,
ADJUDGED AND DECREED as follows:

Defendants, including each of them and their agents, servants, employees, representatives, confederates, affiliates and any other persons or entities acting in concert or participation with them, are permanently enjoined and restrained:

- a) copying, distributing or using the workbook and brochures attached to the Settlement Agreement as Exhibit A and Exhibit B;
- b) copying, distributing, using or making derivative works from any of the RPT Materials;
- c) copying or making derivative works from any copyright registered materials owned by FMT and covered by a copyright registration dated prior to the entry of this Consent Injunction; and
- d) using any jigsaw puzzle or puzzle piece imagery in connection with financial planning literature, products or presentations.

Notwithstanding the above injunction, up until April 15, 2014, Defendants may distribute to their customers up to 200 copies of the version of the Modern Retirement Planning workbook produced by Defendants in this case and marked with document numbers F&TS 000001-FT&S 000227 and those customers may distribute the copies received from Defendants to their bona fide seminar attendees in connection with seminars. Defendant shall instruct those customers receiving the copies of the workbook mentioned in this paragraph not to make further copies of that workbook.

IT IS FURTHER ORDERED that nothing in this Order restricts or enjoins Defendants and their agents, servants, employees, representatives, confederates, affiliates and any other

persons or entities acting in concert or participation with them, from copying, distributing or using the brochure and workbook attached to the Settlement Agreement as Exhibits E and F, and any revised versions of those Exhibits provided that none of the revisions made are based upon or copy any work owned or created by FMT.

IT IS FURTHER ORDERED that this Court shall retain jurisdiction to the extent necessary to enforce this Injunction and the Settlement Agreement between the parties and to determine any issues that may arise under either.

IT IS SO ORDERED:

Dated: May 8, 2014



UNITED STATES DISTRICT JUDGE